

## REMARKS

The present invention is a communications device incurring a messaging user interface and a method of creating a message with a communications device for delivery to a device of a recipient. In accordance with the invention, the interface selects a component for inclusion in a message which may be for example audio or video, selects the conditions under which the message may be opened by a recipient, as described for example on page 5 of the specification in the last paragraph thereof that "[t]he sender is further given the opportunity to set the conditions under which the multimedia message can be read by a recipient" and stores the component as a message together with a message header holding the conditions under which the message may be opened by the device of the recipient in a memory of the communication device. The message header is exemplified in Figure 3 and is identified by reference numeral 11. See the last paragraph of page 6 of the specification through page 7.

Claims 4 and 20 stand objected to regarding informalities which have been corrected in the amended claims.

Claim 22 stands rejected regarding antecedent basis which has been corrected in the amendment of the claims.

Claims 15-22 stand rejected under 35 USC 102 as being anticipated by United States Patent 6,421,707 (Miller, et al). This rejection is traversed for the following reasons.

Claim 15 recites a method of creating a message with a communications device for delivery to a device of a recipient comprising selecting with the

communications device a component from a source and defining with the communications device a set of conditions for delivery of the message to the device of the recipient which includes controlling conditions for which the message may be opened by the device of the recipient. Miller et al does not disclose this subject matter. Specifically, the Examiner's construction of Miller et al interprets "a set of conditions for delivery of the message" as involving a communication medium to deliver the message such as SMS delivery which does not pertain to conditions under which the message may be opened as claimed. In fact, Miller et al relies upon the recipient being able to define the set of rules that how/when messages and their notification are to be treated. See column 4, lines 38-60.

As is clear in Miller, et al, the recipient defines conditions of selective, retrieval and formatting of messages sent to a mobile subscriber. See column 6, lines 25-40. The present invention relies upon the conditions being defined at the message origination device under which a message may be opened at the recipient device whereas Miller, et al relies upon the recipient device specifying those conditions.

Moreover, there is no basis in the record why a person of ordinary skill in the art would be lead to modify Miller, et al to utilize the conditions for opening messages being specified at the originating device instead being specified at the recipient device of Miller et al.

Dependent claims 16-22 further limit claim 15 in a manner which is not rendered obvious by Miller et al. Miller et al does not teach any of the conditions

as defined in the dependent claims 16-22 as being dependent upon conditions specified at the originating device.

Claims 1-14 stand rejected as being anticipated (sic) by Miller in view of United States Patent to 6,108,688 (Nielsen). This rejection is traversed for the following reasons.

Claim 1 defines a communications device including a messaging user interface, the interface including means for selecting a component for inclusion in a message, means for selecting the conditions under which the message may be opened by a device of a recipient and means for storing said component as a message together with a message header holding the conditions under which the message may be opened by the device of the recipient in a memory of the communication device. Claim 1 is patentable over Miller et al for the same reasons set forth above with respect to claim 15. It is noted that the Examiner has cited Nielsen for storing the component as a message together with a message header holding the message delivery conditions in a memory of the communication device. Nielsen discloses a system for warning the sender of e-mail messages if messages are not received. Column 3, lines 36-41 of Nielsen have been cited as disclosing "a message together with a message header holding the message delivery condition" with Figure 1 being the illustration thereof. It is submitted that this subject matter does not cure the deficiencies noted above with respect to Miller et al. There is no basis in the record why a person of ordinary skill in the art would be lead to modify the teachings of Miller et al in view of Nielsen to arrive at the subject matter of Claim 1.

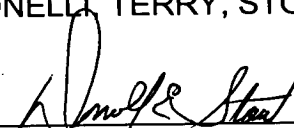
Dependent claims 2-14 further limit the subject matter of claim 1 in a manner which is not rendered obvious by the proposed combination of Miller et al and Nielsen.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

Kindly charge any additional fees due, or credit any overpayment of fees to Deposit Account No. 01-2135 (367.39492X00).

Respectfully submitted,

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